

ITW 1732
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Atty Docket No.: 2401.128.DIV

In re the PATENT application of

Richard L. Goode et al

Examiner: Terry Ross

Serial No.: 10/028,775

Filed: December 28, 2001

For: Method of Making Ventilation Tube

MAIL STOP: PATENT APPLICATION

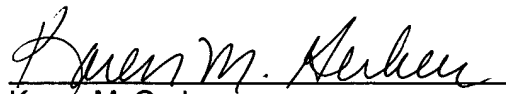
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents for filing in the subject patent application:

Response to Notice of Non-Compliant Amendment (37 C.F.R. §1.121).

Respectfully submitted,


Karen M. Gerken
Registration No. 31,161

Hand-Delivered: 10-15-04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty Docket No.: 2401.128.DIV

In re the Patent application of

Richard L. Goode et al

Serial No.: 10/028,775

Filed: December 28, 2001

For: Method of Making Ventilation Tube

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT (37 C.F.R. §1.121)

MAIL STOP: PATENT APPLICATION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

This communication is submitted in response to a Notice of Non-Compliant Amendment (37 C.F.R. §1.121) received for the subject patent application and indicating that an amendment document filed on August 9, 2004 is non-compliant for the reason that each claim was not provided with the proper status identifier. As explained below, the Notice of Non-Compliant Amendment is submitted to be improper since no amendment document was filed in the subject application on August 9, 2004 and since the amendment filed July 21, 2004 constituting the submission for the Request for Continued Examination filed August 20, 2004 includes a proper status identifier for each claim.

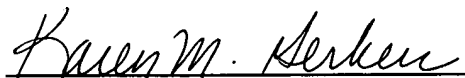
As noted above, the Notice of Non-Compliant Amendment considers an amendment document filed on August 9, 2004 to be non-compliant. However, no amendment document was filed in the subject application on August 9, 2004. The document most recently filed in the subject application constitutes a Request for Continued Examination filed on August 20, 2004. The submission required for the Request for Continued Examination constitutes the amendment previously filed July 21, 2004 which was refused entry by the Examiner in an Advisory Action

dated August 9, 2004. Notably, the amendment filed July 21, 2004 was not considered non-compliant before being acted on by the Examiner in the Advisory Action. In addition, each claim listed in the amendment filed July 21, 2004 includes a proper status identifier. The parenthetical expressions contained in the amendment are consistent with the revised format for amendments recommended by the U.S. Patent and Trademark Office, and the status of each claim was clearly identified thereby.

In light of the foregoing, it is apparent that no amendment document was filed in the subject patent application on the date referred to in the Notice of Non-Compliant Amendment and that the only outstanding amendment document in the subject application is the amendment previously filed July 21, 2004 in which each claim was provided with the proper status identifier. Accordingly, the Notice of Non-Compliant Amendment is clearly improper and should be withdrawn. The amendment constituting the submission for the Request for Continued Examination is in condition for being acted on by the Examiner and early, favorable action on the merits is courteously solicited.

Should any issues in the subject application remain unresolved, the undersigned attorney should be contacted for resolution of such issues.

Respectfully submitted,



Karen M. Gerken
Registration No. 31,161

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